

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

CHAPTER 11

35TH SUNRISE CORPORATION,

Case No.:

Debtor.

AFFIDAVIT PURSUANT TO
RULE 1007-3

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STATE OF NEW YORK)
COUNTY OF SUFFOLK)ss:

TARIQ MAHMUD, being duly sworn, deposes and say:

1. I am the President of 35th SUNRISE CORPORATION., the debtor herein.
2. The debtor is a New York corporation that owns a single real property parcel located at 1201 Sunrise Highway, Copiague, New York 11726.
3. That property is rented to the entity known as Coup Enterprises Inc. which operates a gas station and convenience store on the debtor's premises.
4. Prior to the filing of the bankruptcy, an entity known as Sunrise Harbor Realty, LLC. commenced an action against the Debtor, 1201 Sunrise Highway Corp. and Amerada Hess Corporation alleging a contamination of the Sunrise Harbor Realty LLC. property because of leakage spilling over onto that property.
5. After trial, a judgment was entered against the Debtor on or about November 5, 2009 in the sum of \$1,098,119.21.
6. That judgment has been appealed and the appeal is pending.
7. Sunrise Harbor Realty Corp. served an execution with the Sheriff and thereafter noticed a Sheriff's sale of the Debtor's property for June 15, 2010.

8. This chapter 11 proceeding was filed to stay the Sheriff's sale and to permit the Debtor an opportunity to obtain a determination of the appeal which the Debtor believes can be reversed.

9. The only known creditor other than aforementioned judgment creditor is the mortgagee on the debtor's property wherein there is only a balance owing on the mortgage of \$45,351.82 as of April 30, 2010. The monthly mortgage payment is current in the sum of \$6,449.88 including monthly real estate taxes.

10. Other than the mortgage payment which is current, there are no other expenses incurred by the Debtor since all other expenses are borne by the tenant on the property Coup Enterprises. Inc.

11. There has been no other bankruptcy proceeding of this debtor and no trustee has been appointed.

12. The Debtor's tenant, Coup Enterprises Inc., has a monthly rent of \$12,000, although Coup is substantially in arrears because of a significant down turn in business.

13. This case is commenced as a chapter 11 proceeding and at this time, no creditor's committee has been organized. It is anticipated that the Debtor will operate at a break even for the next thirty (30) days.

14. The Debtor's liabilities are set forth in the annexed schedules.

15. No stocks, bonds or other securities of the Debtor have been publically issued. The Debtor's only asset is located at 1201 Sunrise Highway, Copiague, New York.

16. The books and records are maintained by the principal and sole stockholder of the Debtor, Tariq Mahmud or the accountants for the corporation Steven Chamoff & Co., Inc.

17. No assets of the Debtor are outside of the territorial limits of the United States.

18. Tariq Mahmud is the 100% stockholder of the corporation.

/s/ Tariq Mahmud

TARIQ MAHMUD

Sworn to before me this
7th day of June, 2010
/s/ Richard L. Stern

NOTARY PUBLIC
Richard L. Stern
Notary Public, State of New York
No. 02ST4665096, Suffolk County
Commission Expires April 30, 2014